

Decision No. 76365

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of property)
in Los Angeles and Orange Counties)
(transportation for which rates are)
provided in Minimum Rate Tariff)
No. 5).)

Case No. 5435
(Petition for Modification
No. 133)
(Filed October 8, 1969)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 76364, entered today in Case No.

5432 (Petition for Modification No. 557) et al., authorized amendment of Minimum Rate Tariffs Nos. 1-B, 2, 5, 7, 9-B, 17 and 19 to cover transportation by dump truck carriers. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 5 should be amended by separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended) is hereby further amended by incorporating therein to become effective December 9, 1969, Seventh Revised Title Page, Twenty-fifth Revised Page 7 and Tenth Revised Page 8 attached hereto and by this reference made a part hereof.

2. The rates, charges and rules set forth in Minimum Rate Tariff No. 5 are established and approved as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected, and the rules to be observed by

all dump truck carriers as defined in the Highway Carriers' Act for the transportation of mining, building, paving and construction materials, except cement or liquids, in bulk in dump truck equipment between the points for which rates are provided in said tariff.

3. In all other respects Decision No. 32504, as amended, shall remain in full force and effect.

This order shall become effective twenty-four days after the date hereof.

Dated at San Francisco, California, this 4th day of November, 1969.

William Sproule Jr.
President
Augustine
J. H. ...
J. ...
...
Commissioners

MINIMUM RATE TARIFF 5

(FORMERLY CITY CARRIERS' TARIFF NO. 4--
HIGHWAY CARRIERS' TARIFF NO. 5)

NAMING

MINIMUM RATES, RULES AND REGULATIONS

OF GENERAL APPLICATION

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN

DEFINED TERRITORY IN LOS ANGELES COUNTY

AND

MINIMUM VEHICLE UNIT RATES, RULES AND REGULATIONS

APPLICABLE UNDER SPECIFIED CONDITIONS

FOR

TRANSPORTATION WITHIN LOS ANGELES AND ORANGE COUNTIES

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

CEMENT CONTRACT CARRIERS

AND

*DUMP TRUCK CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to City Carriers' Tariff No. 4--Highway Carriers' Tariff No. 5 shall be construed as referring to Minimum Rate Tariff 5.

The tariff contains rates, rules and regulations established by Decision No. 32504, as amended, in Case No. 4121. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

* Addition, Decision No. **76365**

Correction 597

EFFECTIVE
(Original Tariff Effective January 1, 1940)

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
State Building, Civic Center
San Francisco, California 94102

SECTION 1--RULES OF GENERAL APPLICATION

ITEM

DEFINITION OF TECHNICAL TERMS

(Items 10 and 11)

ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bulletproof glass, and which is manned by an armed crew.

CARRIER means a radial highway common carrier, a highway contract carrier, a dump truck carrier or a cement contract carrier, as defined in the Highway Carriers' Act.

CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated by the carrier.

COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b) (6) or Section 203(b) (8) of Part II of the Interstate Commerce Act.

DANGEROUS ARTICLES means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 13, Cal.P.U.C. 8, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.

ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.

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EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Commission.

GOVERNING CLASSIFICATION means National Motor Freight Classification A-10.

HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered as a holiday.

INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.

PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).

PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires a special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POWER EQUIPMENT means any gasoline, diesel, electric or gas-driven equipment including electric powered cranes and lift truck equipment.

(Continued in Item 11)

Change)
 * Addition) Decision No. 76365

EFFECTIVE

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p style="text-align: center;">(Items 10 and 11)</p> <p>RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See also Split Delivery Shipment)</p> <p>SPLIT DELIVERY SHIPMENT means a shipment consisting of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by the consignor when there is more than one consignee.</p> <p>TOW CAR means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing or is otherwise exclusively used to render assistance to other vehicles.</p>	11
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>§Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for the transportation of property by radial highway common carriers, highway contract carriers, *dump truck carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	§20
<p>§ Change) Decision No. 76365 * Addition)</p>	
EFFECTIVE	
Correction 599	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.